



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a Resolution Vacating the Public Utility Easement at 801 Black Diamond Way and 520 North Beckman Road

MEETING DATE: July 18, 2001

PREPARED BY: Public Works Director


RECOMMENDED ACTION: That the City Council adopt a resolution vacating the public utility easement at 801 Black Diamond Way and 520 North Beckman Road.

BACKGROUND INFORMATION: The owners of Lots 1, 2, and 3 of Industrial Lite Subdivision have requested that the City abandon the 5-foot easement along the east lines of Lot 1 and 2, as shown on the attached map. This easement was dedicated to provide Lot 1 electrical power service from Black Diamond Way at the time of development. The property owner has submitted building plans and Lots 1, 2, and 3 have been approved for a lot merger into one single lot. To provide Lot 1 an extension for electrical service is no longer a necessity. Under Section 8333 of the Street and Highways Code, a local agency may summarily vacate an easement if "the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and the easement has been superceded by relocation and there are no other public facilities located within the easement." The proposed easement to be abandoned has never been used since its dedication by subdivision map recorded on December 3, 1979.

Pacific Bell, Pacific Gas & Electric, City of Lodi Electric Utility, and AT&T Broadband have been notified of the proposed abandonment and have declared acceptance of the abandonment.

Staff therefore recommends that the request to abandon this 5-foot easement be granted without Planning Commission referral or the normal posting, publishing, and public hearing.

FUNDING: Not applicable.

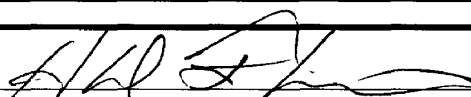

Richard C. Prima, Jr.
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician – Development Services

RCP/JM/pmf
Attachment

cc: City Attorney
City Engineer
Senior Civil Engineer Welch
Harry Aldrich
Dillon & Murphy Consulting Engineers

APPROVED: _____


H. Dixon Flynn -- City Manager

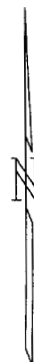


"INDUSTRIAL LITE" SUBDIVISION, Lots 1, 2 & 3



VICINITY MAP

N.T.S.



When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2001-172

A RESOLUTION OF THE LODI CITY COUNCIL VACATING A
PUBLIC UTILITY EASEMENT AT 801 BLACK DIAMOND WAY AND
520 NORTH BECKMAN ROAD

=====

WHEREAS, on December 3, 1979, there was dedicated a 5-foot easement for public utilities located along the east lines of Lot 1 and 2 at 801 Black Diamond Way and 520 North Beckman Road, Lodi, California, more particularly described as follows and delineated on the attached map marked Exhibit A:

The 5-foot easement located along the east lines of Lot 1 and 2 at 801 Black Diamond Way and 520 North Beckman Road, as filed for record in Volume 25 of Maps and Plats, Page 24, San Joaquin County Records.

WHEREAS, the owners of Lots 1, 2, and 3 of Industrial Lite Subdivision have requested that the City of Lodi abandon the 5-foot easement; and

WHEREAS, this easement has never been used since its dedication by subdivision map recorded on December 3, 1979; and

WHEREAS, the Streets and Highways Code of the State of California, Section 8333 provides that the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and the easement has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, pursuant to the requirements of Government Code §27288.1, the names of the owners of the title or interest in Lots 1, 2 at 801 Black Diamond Way and 520 North Beckman Road as it appeared at the time and in the document creating the interest, right or encumbrance is as follows:

Former Owners Names:

Ben W. Schaffer, Geraldine B. Schaffer, Bozant Katzakian, Lorraine Katzakian, Frank V. Johnson, Elizabeth D. Johnson, John E. Donovan, M. Joanne Donovan, James F. Culbertson, Patricia R. Culbertson

WHEREAS, in accordance with Streets and Highways Code Section 8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

That the public utility easement located on Lots 1 and 2, located at 801 Black Diamond Way and 520 North Beckman Road, be vacated; and

That from and after the date this resolution is recorded, such easement will no longer constitute a public service easement.

Dated: July 18, 2001

=====

I hereby certify that Resolution No. 2001-172 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 18, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

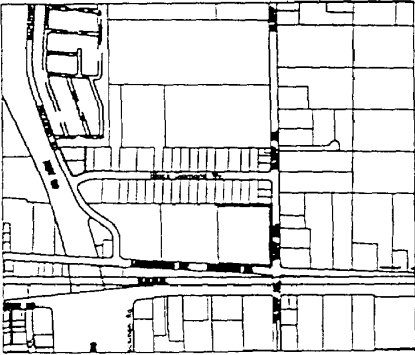
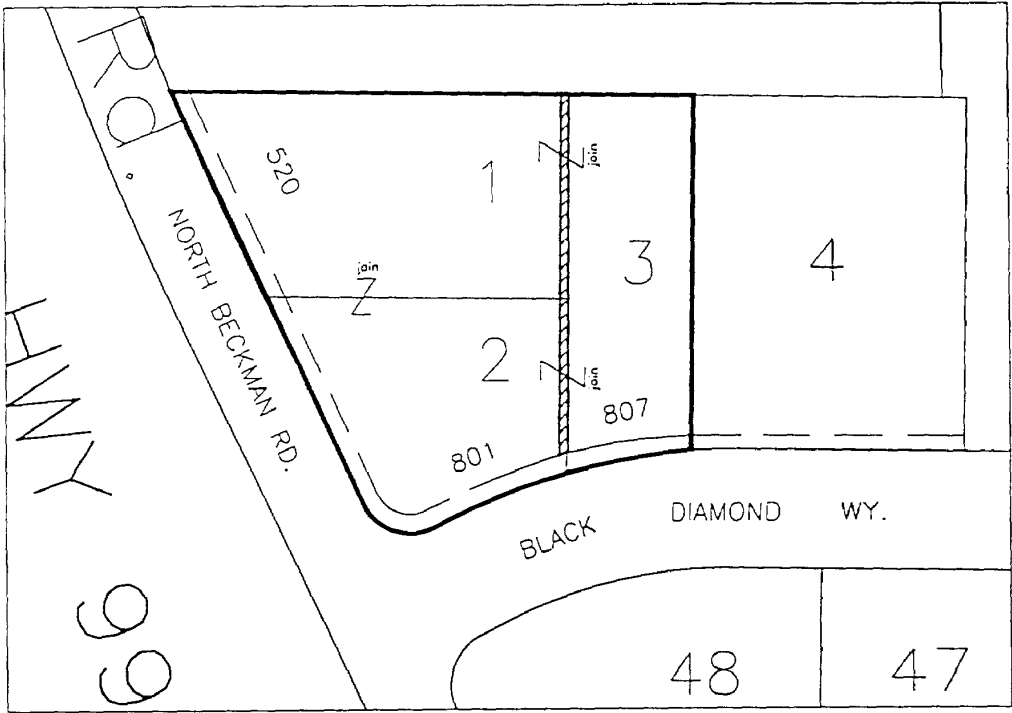
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk



"INDUSTRIAL LITE" SUBDIVISION, Lots 1, 2 & 3



VICINITY MAP



N.T.S.



DECLARATION OF MAILING

RESOLUTION VACATING A PUBLIC UTILITY EASEMENT AT 801 BLACK DIAMOND WAY AND 520 N. BECKMAN ROAD

On July 19, 2001 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 19, 2001, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

The signature of Jennifer M. Perrin is a cursive script that reads "Jennifer M. Perrin". It is written over a horizontal line.

CITY COUNCIL

ALAN S. NAKANISHI, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807

H. DIXON FLYNN
City Manager
SUSAN BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

EXHIBIT A

July 19, 2001

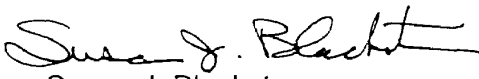
TO: Interested Parties

**VACATION: TO VACATE A PUBLIC UTILITY EASEMENT AT 801 BLACK
DIAMOND WAY AND 520 NORTH BECKMAN ROAD**

This is to inform you that the City Council at its regular meeting on July 18, 2001 considered the above matter and declared the area vacated and abandoned.

Enclosed, for your information, is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact Public Works Director Richard Prima at (209) 333-6706.


Susan J. Blackston
City Clerk

SJB/jmp

Enclosure

cc: Public Works Director

When Recorded, Please Return to:
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Lodi, CA 95241-1910

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Mayor Nakanishi

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ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A

"INDUSTRIAL LITE" SUBDIVISION, Lots 1, 2 & 3



VICINITY MAP

N.T.S.



EXHIBIT B

VACATION / ABANDONMENT MAILING LIST

RESOLUTION OF INTENTION (Setting Public Hearing)

Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6343 Tam O'Shanter Drive
Stockton, CA 95210

Pacific Bell
44 W. Yokuts Avenue
Stockton, CA 95207

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

RESOLUTION OF VACATION (After Public Hearing)

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

CITY OF LODI

CITY HALL, 221 W. PINE ST.

P. O. BOX 3006

LODI, CALIFORNIA 95241-1910

City Clerk's Office

Harry L. Aldrich et. al
516 Chateau La Salle
San Jose, CA 95111

EXHIBIT B